IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 18115 of 2007(F)

OS.1912/2000 of III ADDL. M.C.,THRISSUR
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PETITIONER:
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1. **SARADAMMA NANIKUTTY AMMA,**
   MADATHIL HOUSE, KAINOOR VILLAGE & DESOM,
   THRISSUR TALUK.

2. **HARIDAS, S/O. SARADAMMA -DO- -DO-.**

3. **PEETHAMBARAN, S/O.SARADAMMA -DO- -DO-.**

BY ADV. SRI.T.N.MANOJ

RESPONDENTS:
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1. **CHANDRAMATHY AMMA,**
   MADATHIL HOUSE, KAINOOR VILLAGE & DESOM,
   THRISSUR DISTRICT.

2. **MADHAVAN NAIR,**
   MADATHIL HOUSE, KAINOOR VILLAGE & DESOM,
   THRISSUR DISTRICT.

3. **SOMASEKARAN, S/O.MADHAVAN NAIR -DO--DO-.**

(ADDRESS FOR SERVICE IS AS SHOWN ABOVE)

BY ADV. SRI.ROY MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.18115/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ROUGH SKETCH PREPARED BY THE ADVOCATE COMMISSIONER IN OS. 1912/2000.

EXT.P2:- COPY OF THE WRITTEN STATEMENT FILED BY THE DEFENDANT IN THE SUIT.

EXT.P3:- COPY OF THE AMENDMENT PETITION FILED BY THE PLAINTIFF IN THE SUIT.

EXT.P4:- COPY OF THE SY.PLAN SKETCH AND REPORT FILED BY THE ADVOCATE COMMISSIONER.

EXT.P5:- COPY OF THE OBJECTION FILED BY THE DEFENDANTS TO THE REPORT OF THE ADVOCATE COMMISSIONER.

EXT.P6:- COPY OF THE PETITION FILED TO REMIT THE COMMISSIONERS REPORT.

EXT.P7:- COPY OF THE ORDER DT.8.1.07 DISMISSING THE PETITION FILED TO REMIT THE COMMISSIONER REPORT.

/TRUE COPY/

P.A. TO JUDGE

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M.N. KRISHNAN, J.

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W.P.C. NO. 18115 OF 2007

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Dated this the 16th day of July, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside the order passed by the 3rd Addl. Munsiff, Thrissur in I.A.4709/05 in O.S.1912/00. The said petition is one to remit the Commissioner's plan and report. The grievance of the writ petitioner is that the property belonging to him has not been measured with respect to his title deeds and if it is not measured, it will cause him difficultly and therefore he prays for measurement of the property with respect to his title deeds.

2. I am informed that the suit is one for fixation of boundary and for permanent injunction. In order to fix the boundary one has to be sure about the plaintiff's property as well the defendant's property and no prejudice will be caused to the plaintiff by measuring the defendant's property with respect to his title deeds and when the properties of both the plaintiff and defendant are measured then there will be a

clear picture for the Court also for proper determination of the case. Therefore, I set aside the order passed by the learned Munsiff and direct him to remit the Commissioner's plan and report with a direction to measure the defendant's property with reference to his title deeds. If any additional particulars are required to be noted I direct both the parties to file work memos before the Commissioner so that it can also be looked into.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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